IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.444 OF 2006
IN
CRIMINAL APPLICATION NO.1413OF 2006

Abhishek Ambuj Kasliwal .....Applicant.

V/s

The State of Maharashtra .....Respondent.

Mr. A.H. Ponda for the applicant.
Ms. Rajeshree Gadhvi, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 8th September, 2006

P.C.:

1. Heard the learned Counsel appearing on behalf of the applicant and the learned APP for the State.

2. This is an application for relaxation of conditions imposed by this Court by Order dated 18/04/2006 in Criminal Application No. 1413 of 2006. By the said order, the applicant was released on bail subject to the conditions that he shall not enter the City of Mumbai and shall stay in New Delhi and shall report to the nearest Police Station from his residence at New Delhi twice in a month.

3. By this application, the applicant seeks relaxation of the conditions imposed by this Court and seeks leave of this Court to stay in Pune instead of New Delhi. It is submitted by the learned Counsel appearing on behalf of the applicant that the applicant is a businessman and seeks to start a new venture at Pune and his presence in Pune is, therefore, necessary. He submitted that the applicant shall not enter in the City Mumbai and, therefore, he may be permitted to stay in Pune. It is submitted in the alternative that the applicant may not be confined to stay in New Delhi alone.

4. The learned APP vehemently opposed these submissions made on behalf of the applicant. She submitted that a specific condition was imposed by this Court restraining the applicant from entering the City of Mumbai and further directing him to stay at New Delhi.

5. In my view, at this stage, it is not possible to modify the the said conditions which are imposed by this Court by earlier order. However, it is clarified that the applicant is free to move through out the territory of India for his business

and he shall not enter the City of Mumbai except for the purpose of attending the Court proceedings. I am informed that the case is not yet committed to the Court of Sessions but that order is likely to be passed within a short time. Liberty is, therefore, granted to the applicant to apply for relaxation of the conditions after three months. It is further clarified that if the applicant seeks to travel abroad, he shall make a separate application seeking permission from this Court. With these directions, application is disposed of.

(V.M. KANADE, J.)